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Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ADHRB Assessment of the UAE 3rd Cycle UPR

1. Third Cycle UPR Overview

The United Nations (UN) Human Rights Council recently conducted the third Universal Periodic Review (UPR) cycle of the United Arab Emirates (UAE). We were glad to see that nearly 100 states gave dozens of new recommendations to the Emirati Government, urging human rights reforms on a variety of thematic issue areas ranging from free expression and harassment of human rights defenders to migrant labor rights and international engagement. Americans for Democracy & Human Rights in Bahrain (ADHRB)'s own submission raised similar concerns and highlighted the UAE's failure to implement the vast majority of recommendations from the past UPR cycle. In the absence of the *Report of the Working Group*, which has not been published at the time of this submission, recommendations to the UAE will be quoted and attributed to the member state who delivered the recommendation. ADHRB would therefore like to express support for the following recommendations, and urge the Government of the United Arab Emirates to fully accept all recommendations, and to urgently and transparently implement these reforms.

2. Freedom of Expression

Concern regarding the United Arab Emirates' increased restrictions on free expression was raised often in recommendations during the third-cycle UPR. Since the past UPR, the UAE has been building on an already expansive legal framework designed to criminalize many forms of activism, peaceful criticism, and dissent. The Netherlands called on the UAE to "continue to take steps to uphold freedom of expression by reviewing restrictive articles within its domestic legal framework and ensuring that legislation is fully aligned with Article 19 of the International Covenant on Civil and Political Rights (ICCPR),"and Estonia recommended the UAE "take further steps to ensure the respect of the right to freedom of opinion and expression online and offline including ending the harassment and intimidation of human rights defenders also on the internet." Estonia also recommended the UAE to "decriminalize defamation." Sweden urged the UAE to "amend the cyber-crime law and the anti-terror law and provisions of the penal code respecting freedom of expression in order to bring them in conformity with international standards." Countries like Austria, Canada, Germany, Italy, Mexico, Norway, Slovenia, Switzerland, and the United States (US) also formally urged the UAE to lift restrictions on free expression, particularly through the reformation of laws.

3. Judicial Harassment of Human Rights Defenders

Human rights activists continue to be arbitrarily detained, harassed, and subjected to trials marred by due process violations. Belgium stressed the United Arab Emirates needed to "take the necessary measures to ensure that human rights defenders can exercise their work in a safe environment free from harassment and intimidation." Australia voiced concern that "human rights defenders have been arrested without charge in the UAE and recommends the UAE take steps to ensure that all detained have access to a fair and transparent trial." Ghana, Hungary, and the US similarly recommended that the UAE guarantee fair trial rights for all detainees, and many of these countries were joined by Estonia, France, Germany, Italy, and Latvia – among others – in calling for an end to reprisals against human rights defenders. Chile specifically proposed that the United Arab Emirates create a central registry of all detainees to help prevent enforced disappearance and allow families to determine the status of their loved ones.

4. Torture

During the third-cycle UPR, the Czech Republic recommended the UAE "create a comprehensive national strategy to prevent and eliminate systematically torture and other cruel inhumane and degrading treatment and eliminate practiced of arbitrary detention and incommunicado detention and ensure accountability of security staff for acts of torture, and finally to strengthen the independence of the judiciary and ensure right to a fair trial for all without discrimination and in particular reject evidence obtained by torture and ensure all arrests without exceptions are subject to judicial oversight." Finland called upon the UAE to "insure impartial investigations into all allegations of torture and move towards ratifying the Optional Protocol to the Convention Against Torture (OPCAT)," along with Denmark and Portugal. Italy highlighted the need for the UAE to "institute safeguards against torture and other ill treatment," and Qatar called for the UAE to "suspend all acts of cruel inhumane treatment."

5. Migrant Workers Rights

The United Arab Emirates has been widely criticized for their treatment of migrant workers. While it has touted steps taken to establish a new law to support domestic workers, much work remains in terms of effectively improving the status and rights of migrant workers. Sweden recommended the UAE "ensure full implementation of the recently updated labor legislation in order to secure that employers and sponsors fully respect the economic, social, and cultural rights of migrants and domestic workers." Austria also called on the UAE to "strengthen the protection of migrant workers, in particular female domestic workers, including by implementing existing legislation reinforcing inspections and enhancing workers access to remedies." Ireland expressed concern that gaps remained in the protection of foreign workers, in particular domestic workers, under the *kafala* system.

6. International Engagement

Several states, including the Netherlands, Latvia and Sweden, called on the United Arab Emirates to extend its cooperation with the United Nations by ratifying treaties like the International Covenant on Civil and Political Rights and issuing standing invitations to all UN Special Procedures. Germany recommended the UAE "cooperate with the UN human rights mechanisms, including by responding positively to visiting requests by special procedure mandate holders."

7. Concluding Recommendations

With the second-cycle UPR, we found the UAE largely failed to implement the recommendations they received. There still remains several areas of concern for human rights in the country, including treatment of migrant workers, use of torture, harassment of human rights defenders, engagement with the international community, and the right to free expression. We therefore take this opportunity to call on the Government of the United Arab Emirates to:

- Engage fully with the UPR process;
- Accept and implement transparently all given recommendations;
- Regularly report to the Council on progress made.